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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR-12-00457 SBA
)	
Plaintiff,)	STIPULATED REQUEST TO CONTINUE
)	HEARING DATE TO JANUARY 15, 2013
v.)	AND TO EXCLUDE TIME UNDER THE
)	SPEEDY TRIAL ACT AND [PROPOSED]
)	ORDER
MANUEL BARAJAS MALDONADO,)	
)	Hearing Date: October 16, 2012
Defendant.)	Time: 9:30 a.m.
)	
)	
)	<u>The Honorable Kandis A. Westmore</u>

The above-captioned matter is set on October 16, 2012 before this Court for a status hearing. The parties jointly request that the Court continue the matter to January 15, 2013, at 10:00 a.m., before the Honorable Sandra Brown Armstrong for judgment, plea and sentencing, and that the Court exclude time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(1)(G), between the date of this stipulation and January 15, 2013.

On June 7, 2012, the grand jury charged Manuel Barajas Maldonado as a deported alien found in the United States, a violation of 8 U.S.C. § 1326. On June 12, 2012, Mr. Barajas Maldonado was arraigned on the Indictment and pleaded not guilty. Mr. Barajas faces a maximum sentence of 20 years imprisonment.

1 The parties have reached a Federal Rule of Criminal Procedure 11(c)(1)(C) plea
2 agreement. In the proposed agreement, Mr. Barajas Maldonado qualifies for the Northern
3 District of California's early disposition program ("fast track") for illegal reentry cases. The
4 parties therefore request that the Court take the parties' proposed plea agreement under
5 submission and that the Court refer this matter to the United States Probation Office for a
6 modified, criminal history only, pre-plea investigation and report.

7 The parties further agree that time should be excluded pursuant to 18 U.S.C. §
8 3161(h)(1)(G) based on the Court's consideration of the proposed plea agreement to be entered
9 into by the defendant and the attorney for the Government. A copy of the plea agreement will be
10 submitted to the Court with the Court's courtesy copy of this stipulation.

11 /s/

12 DATED: October 11, 2012

13 MAUREEN ONYEAGBAKO
Assistant United States Attorney

14 /s/

15 DATED: October 11, 2012

16 ANGELA M. HANSEN
Assistant Federal Public Defender

ORDER

Based on the reasons provided in the stipulation of the parties above, the Court hereby
FINDS:

1. Given that the parties have reached a “fast track” illegal reentry Rule 11(c)(1)(C)
agreement and have submitted that agreement to the Court for consideration;

2. Given that the Court will refer this case to the Probation Office for a modified
criminal history pre-plea investigation and report; and


3. Given that the Court plans to take the proposed “fast track” plea agreement under
submission until the pre-plea probation report can be completed;

Based on these findings, IT IS HEREBY ORDERED that the status hearing date on
October 16, 2012, scheduled at 9:30 a.m., before the Honorable Kandis Westmore, is vacated and
this matter is reset to January 15, 2013, at 10:00 a.m., for judgment, plea and sentencing before
the Honorable Saundra Brown Armstrong.

IT IS FURTHER ORDERED that time is excluded under the Speedy Trial Act, 18 U.S.C.
§ 3161(h)(1)(G), from the date of this Stipulation to January 15, 2013, based on the Court’s
consideration of the proposed plea agreement to be entered into by the defendant and the attorney
for the government.

IT IS FURTHER ORDERED THAT this case is referred to the Probation Office for a
modified criminal history pre-plea investigation and report.

October 15, 2012


KANDIS A. WESTMORE
United States Magistrate Judge